

Intimations.

TRADE MARK.—Sanctioned by H. M. Government.

HEALTH, STRENGTH, & ENERGY.

**DR. LALOR'S
PHOSPHODYNE.**Trade Mark—"PHOSPHODYNE."
Protected under the Trade Marks Act (38 and 30
Vict., ch. 91).—Enacted by the "Queen's
Most Excellent Majesty," 20th
August, 1875.Certificates under this Act have been granted to
Dr. R. D. LALOR, giving him the Sole Right
the Trade Mark Phosphodyne in Eng-
land, Australia, Africa, China,
Canada, and India.Discovered and so named, A.D.
1862, by R. D. LALOR, M.D.Pleasant to the Taste. The only Safe, Prompt,
and Reliable PHOSPHORIC REMEDY for
Overworked Brain, Worry, Anxiety, Excitement,
Late Hours, Business Pressure, Nervous Prostration,
Stomach and Liver Complaints, Impaired Nutri-
tion, Impoverished Blood, Premature Decline,
and all morbid Conditions of the System de-
pendent upon the deficiency of Vital Force.

PHOSPHODYNE

Purifies and Enriches the Blood; Clears the
Skin; Thoroughly Invigorates the Brain,
Nerves and Muscles; Re-energizes the Failing
Functions of Life, and thus imparts Energy and
Fresh Vitality to the Exhausted Nerve-System.
It rapidly cures every form of Nervous
Debility, Paralysis, Nervous, Mind, and Heart
Diseases, from whatever cause.**IMPORTANT TO EUROPEANS VISITING OR RESIDING IN HOT CLIMATES.**—Dr. LALOR'S PHOSPHODYNE has an enormous Sale in India, China, Africa, and other Hot Climates, from its possessing in the most perfectly assimilable form the essential Vitalizing properties of Phosphorus, which re-animates the Exhausted Functions of Life when impaired by Heat or other causes. A very large number of Testimonials from all parts of the World, freely offered from private persons; Naval, Military, Scientific, and Professional Men who are well known, speak of its marvellous powers in Nervous Debility, Want of Stamina, Fevers, Malarious Diseases, and as a Liver Tonic.
Sold in Bottles at 4s. 6d. and 11s.**CAUTION.**—The name, Dr. LALOR'S PHOSPHODYNE, is blown in the glass of each bottle, and the genuine PHOSPHODYNE is manufactured only at Dr. LALOR'S Laboratory, London, England. Medicine Vendors are hereby warned that Legal Proceedings will be taken against all Persons selling the Fraudulent Imitation after this Notice.
IMPORTANT NOTICE.—Every bottle bears the British Government Stamp, with the words, Dr. LALOR'S PHOSPHODYNE, London, England, by Order of Her Majesty's Honourable Commissioners. IF NOT, IT IS A FORGERY.

DR. ROBERT D. LALOR,

Of Bay House, 82, Gaisford St., London, ENGLAND,
(The Sole Proprietor and Originator of Phosphodyne.)

Is prepared to Prove the following Facts in any Court of Law in London, England, and he respectfully requests Medicine Vendors and the Public to assist the cause of Truth and Right, against Falsehood and Fraud.

A BASE FRAUD is being perpetrated by the Advertisement of a Worthless Imitation of Dr. LALOR'S PHOSPHODYNE in the Newspaper Press of India and the Colonies, the nature of which may be guessed from the fact that the originators of these Advertisements DO NOT, AND DARE NOT insert them in the Papers Published in the United Kingdom, neither may the Spurious Article, sought to be foisted upon the Public abroad, BE SOLD in the British Isles.**PHOSPHODYNE** was Discovered and so named by Dr. R. D. LALOR in the year 1862. The Title and Prospectus was duly Entered at Stationers' Hall, London, in the year 1864. This Title, Prospectus, and Four of Dr. LALOR'S Testimonials, the dates of which have been fraudulently altered from 1865, 1866, and 1867, as in the Original Letters, to 1870, have been basely pirated by the Parties Advertising the False Phosphodyne. Copies of Original Letters, with Prospectus, sent post free. The Genuine "PHOSPHODYNE" bears the Christian and Surname, with Address, as above; also the Registered Trade Mark, "PHOSPHODYNE," to copy which is Felony.**Appointed Agents for Dr. LALOR'S Phosphodyne in India and China.**—TREASHER & Co., Bombay, Byulla, and Poona; SMITH, STRAINSTREET & Co., and BATHURST & Co., Calcutta; R. ROBERTSON, Ceylon; O'HARA & Co., Bangalore; RANCOON DISPENSARY, No. 216, Dalhousie Street; E. GILLON Co., Lahore; J. LEWIS & Co., Shanghai, China; Hong Kong Dispensary, Hong Kong; and all the Leading Merchants in India and China.

Copies of Dr. LALOR'S Prospectus, "THE ORIGIN OF LIFE AND CAUSES OF DEATH" on the Phosphodyne Treatment, may be had on application to any of Dr. LALOR'S Agents.

250079 1w By 250092

Intimations.

ALLAN'S ANTI-FAT.

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Intimations.

In consequence of spurious imitations of
LEA AND PERRINS' SAUCE,
which are calculated to deceive the Public, Lea and Perrins
have adopted A NEW LABEL, bearing their Signature,
thus,*Lea & Perrins*which is placed on every bottle of WORCESTERSHIRE
SAUCE, and without which none is genuine.Ask for LEA & PERRINS' Sauce, and see Name on Wrapper, Label, Bottle and Stopper.
Wholesale and for Export by the Proprietors, Worcester: Cross and Blackwell, London,
etc., etc., and by Grocers and Oilmen throughout the World.

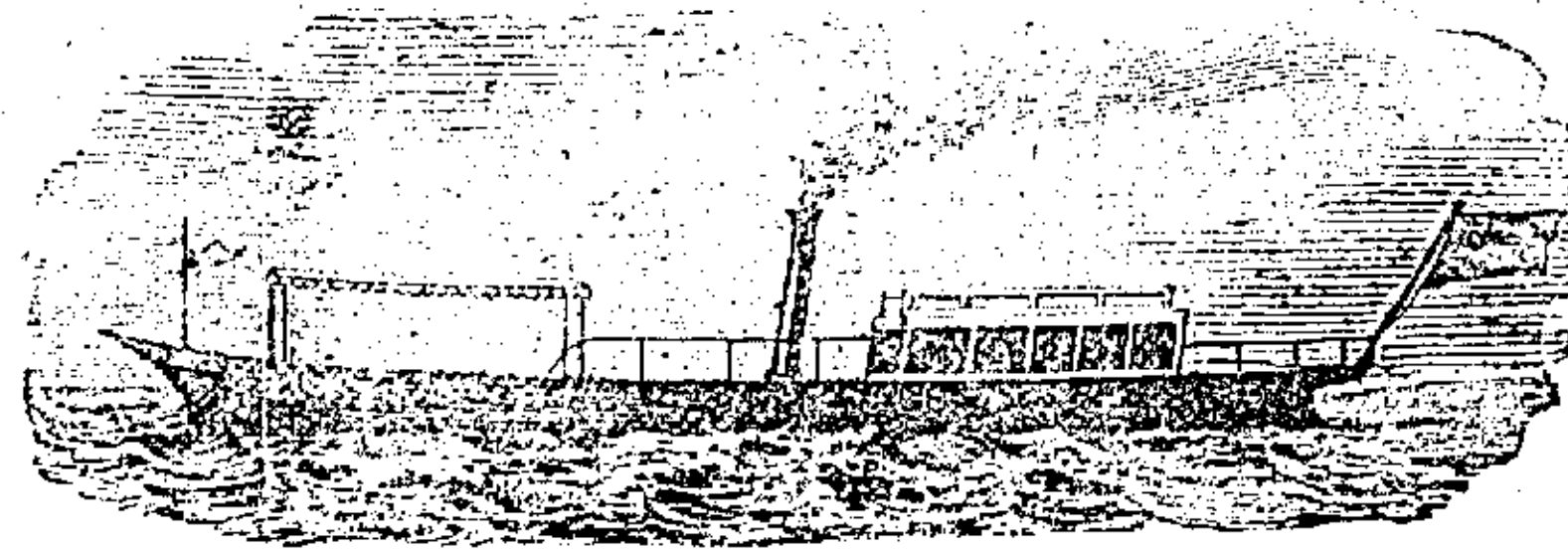
3ja80 1w 52t 31d.80

THE BEST REMEDY FOR INDIGESTION.

TRADE **NORTON'S** MARK.CAMOMILE PILLS are confidently recommended as a simple Remedy for Indigestion, which is the cause of nearly all the diseases to which we are subject, being a medicine so uniformly grateful and beneficial, that it is with justice called the "Natural Strengtheners of the Human Stomach."
"Norton's Pills" act as a powerful tonic and gentle aperient; are mild in their operation, safe under any circumstances, and thousands of persons can now bear testimony to the benefits to be derived from their use, as they have been a never-failing Family Friend for upwards of 45 years. Sold in Bottles at 1s. 1d., 2s. 9d., and 11s. each, by all Medicine Vendors throughout the World.

CAUTION.

Be sure and ask for "NORTON'S PILLS," and do not be persuaded to purchase an imitation.

**YARROW'S**
SMALL STEAMERS AND STEAM LAUNCHES.

BUILT OF WOOD, IRON, OR STEEL.

Screw Steamers with Speeds ranging up to 26 miles an hour.

Paddle Steamers with draughts ranging down to 6 inches of water.

Machinery Constructed for Boats Built Abroad.

YARROW & CO.

(LATE YARROW & HENDERY).

ENGINEERS & SHIPBUILDERS, 111, FLEET STREET, LONDON.

9nov79 1w 52t 9nov80

DINNEFORD'STHE BEST REMEDY FOR ACIDITY
OF THE STOMACH, HEARTBURN,
HEADACHE, GOUT AND INDIGESTION.

DINNEFORD & Co., Chemists

London,

N.B. ASK FOR DINNEFORD'S MAGNESIA.

Agents—A. S. WATSON & Co., Hongkong.

5ap79 1w 52t 5ap80

SAVORY PANCREATIC EMULSION MEDICINAL MOORE'S FOOD	SAVORY BEST FOOD FOR MOORE'S INFANTS	SAVORY DATURATULUM FOR MOORE'S ASTHMA
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IN CONSUMPTION

AND

WASTING DISEASES

IMPROVES THE APPETITE

Increases Strength and

Weight.

Bottles 2s. 6d., 4s. 6d., and 6s.

143, NEW BOND ST., LONDON, and of Chemists, &c., everywhere.

5ap79 1w 52t 5ap80

THE GREATEST

WONDER OF MODERN TIMES!

HOLLOWAY'S PILLS

LONG experience has proved these famous remedies to be

most effectual in curing either the dangerous maladies or

the slightest complaints which are more particularly in-
cidental to the life of a miser, or to those living in the
East.

Occasional doses of these Pills will guard the system

against those evils which so often beset the human race,
viz.—coughs, colds, and all disorders of the liver and
stomach—the frequent forerunners of fever, dysentery,
diarrhoea, and cholera.

They are prepared only by the Proprietor, Thomas

Holloway, 533, Oxford Street, London.

Beware of counterfeiters that may emanate from the

United States.

25ap79 1w 52t 25ap80

FREDERIC ALGAR,COLONIAL NEWSPAPER & COMMIS-
SION AGENT.11, Clement's Lane, Lombard Street,
LONDON.THE Colonial Press supplied with News-
papers, Books, Types, Ink, Presses,
Papers, Correspondence, Letters, and any
European Goods on London terms.

NOTICE TO SHIPPERS.

Colonial Newspapers received at the office
are regularly filed for the inspection of
Advertisers and the Public.

9ap79 1w 52t 9ap80

**FLUID
MAGNESIA.**And of Druggists and Storekeepers throughout
the World.

N.B. ASK FOR DINNEFORD'S MAGNESIA.

Agents—A. S. WATSON & Co., Hongkong.

5ap79 1w 52t 5ap80

ASTHMA & DIFFICULT BREATHINGpromptly relieved and paroxysms
arrested by

Daturatula Inhalations

Testimonials accompanying each
box of Daturatula, Glycerine and
Pastilles. Also the economical
form of tobacco, and also in powder
for burning. From 2s. 6d. to 21s.Supplied to the
ROYAL NURSERIES,
The HIGHEST MOUNT OF
NOURISHMENT IN THE
MOST CONVENIENT FORM.
In 1s. 1d., 2s. 6d., and 10s.

143, NEW BOND ST., LONDON, and of Chemists, &c., everywhere.

5ap79 1w 52t 5ap80

JOHN OAKLEY & SONS

EMERY, GRINDING, LAPPING, &c.

WELLINGTON KNIFE POLISH

PREPARED EXPRESSLY FOR THE PATENT KNIFE-
CLEANING MACHINES, INDIA RUBBER and BUFF
LEATHER KNIFE POLISHES. KNIVES
CLEANED WITH IT MAKE A BRILLIANT POLISH EQUAL
TO NEW CUTLERY. PACKETS 3d. EACH; and TINS,
6d., 1s., 2s. 6d. and 4s. 6d.

OAKLEY'S

INDIA RUBBER KNIFE BOARDS

PREVENT FRICTION IN CLEANING AND POLISHING
THE KNIFE. OAKLEY'S WELLINGTON KNIFE POLISH
SHOULD BE USED WITH HIS BOARDS.

OAKLEY'S

SILVERSMITH'S SOAP

(NON-MERCURIAL),
FOR CLEANING AND POLISHING SILVER, ELECTRO-
PLATE, PLATE GLASS, &c. TABLETS 6d. EACH.

OAKLEY'S

WELLINGTON KNIFE LEAD

IN SOLID BLOCKS—1lb., 2lb., 4lb., 8lb., and 15lb. BOXES.

17my79 1w 52t 17my80

RIMMEL'S CHOICE PERFUMERY.R. Hlang, Hlang, Jockey Club, and other
perfumes, Toilet Vase of world-wide
celebrity, Toilet Water, Lavender Water,
Florida Water, Eau de Cologne, Lime Juice
and Glycerine for the Hair, Glycerine,
Eosy, Windsor, and other Toilet Soaps,
Violette and Rose powder, Aquadentes for
the Teeth, Aromatic Oil, a Natural
Air Purifier, &c., Sold by all Perfumers
and Chemists.

Registered trade mark—An Heraldic Rose.

96, Strand, 123, Regent Street, and 24,
Cornhill, London, 17, Boulevard des Ita-
liens, Paris.

9my79 1w 52t 9my80

Intimations.



CLIMATIC DEBILITY.

THE WEAK MADE STRONG,
BY

NEWMAN'S EXTRACT OF MALT.

Prepared from the finest Kentish Malt,
being non-fermented and free from Spirit,
as certified by Dr. Hassall and other
Analytical Chemists.It is strongly recommended by the faculty,
and extensively used in the principal Hos-
pitals, and is particularly valuable in all cases
of Constitutional and Climatic Debility, as
well as being a most agreeable and efficient
substitute for Cod Liver Oil. It is also very
strongly recommended to be taken instead of
Wine or Beer between meals, as it
imparts immediate strength, assists diges-
tion, and produces appetite, and it may be
freely taken by total abstainers without any
misgivings as to its exciting or intoxicating
effects.DIRECTIONS.—A Wine-glassful twice or
three times a day. The Extract should be
kept lying down in a cool place.Copies of the Original Testimonials from
Physicians and the Public can be forwarded
upon application to the Manufacturer.Sold by all Chemists, and by the Manu-
facturer, C. H. NEWMAN, Dagmar House,
East Margate.Local Agents: Messrs. A. S. WATSON &
Co., Hongkong.

4jan79 1w 52t 4jan80

GOLD MEDAL, PARIS 1878.

JOSEPH GILLOTT'S

STEEL PENS.

Sold by all Dealers throughout the World.

1w 52t 1w 52t

Dysentery, Cholera, Fever,

Ague, Coughs, Colds, &c.

DR. J. COLLIS BROWNE'S

CHLORODYNE

(Ex Army Med. Staff)

IS THE ORIGINAL AND ONLY

GENUINE.

CAUTION.—Vice-Chancellor Sir W. P.

Wood stated that Dr. Collis Browne was
undoubtedly the Inventor of Chlorodyne,
that the story of the Defendant, Freeman,
being the Inventor was deliberately untrue;
that he regretted that he had been sworn to
Eminent Hospital Physicians of London
stated that Dr. J. Collis Browne was the
discoverer of Chlorodyne; that they pre-
scribe it largely, and mean no other than
Dr. Browne's.—See Times, July 12, 1864.The public, therefore, are cautioned
against using any other than

DR. J. COLLIS BROWNE'S CHLORODYNE.

REMEDIAL USES AND ACTION.

This invaluable remedy produces quiet,
refreshing sleep, relieves pain, calms the
system, restores the deranged functions,
and stimulates healthy action of the secre-
tions of the body, without creating any of
those unpleasant results attending the use
of opium. Old and young may take it at all
hours and times when required. Thou-
sands of persons testify to its marvellous
good effects and wonderful cures, while
medical men extol its virtues most exten-
sively.CHLORODYNE is admitted by the profes-
sion to be the most wonderful and valuable
remedy ever discovered.CHLORODYNE is the best remedy known for
coughs, consumption, bronchitis, asthma.CHLORODYNE effectually checks and ar-
rests those too often fatal diseases—
diphtheria, fever, croup, ague.CHLORODYNE acts like a charm in diar-
rhoea, and is the only specific in cholera
and dysentery.CHLORODYNE effectually cuts short all
attacks of epilepsy, hysteria, palpitations
and spasms.CHLORODYNE is the only palliative in
neuralgia, rheumatism, gout, cancer, tooth-
ache, meningitis, &c.

EXTRACTS FROM MEDICAL OPINIONS.

The Right Hon. Earl Russell communi-
cated to the College of Physicians and J. T.Davenport that he had received informa-
tion to the effect that the only remedy of
any service in Cholera was Chlorodyne.—
See Lancet, Dec. 31, 1864.From A. Montgomery, Esq., late Inspec-
tor of Hospitals, Bombay:—"Chlorodyne
is a most valuable remedy in Neuralgia,
Asthma, and Dysentery. To it I fairly
owe my restoration to health, after eighteen
months' severe suffering, and when other
remedies had failed."Dr. Lowe, Medical Missionary in India,
reports (December 1865) that in nearly
every case of Cholera in which Dr. J. COLLIS
BROWNE'S CHLORODYNE was administered,
the patient recovered.Extract from the General Board of
Health, London, as to its efficacy in Cholera."So strongly are we convinced of the
immense value of this remedy, that we
cannot too forcibly urge the necessity of
adopting it in all cases."See leading article, Pharmaceutical Jour-
nal, August 1, 1869, which states that Dr.
J. Collis Browne was the inventor of Chloro-
dyne; that it is always right to use his
preparation when Chlorodyne is ordered.CAUTION.—None genuine without the
words "Dr. J. COLLIS BROWNE" on the
Government Stamp. Overwhelming medical
testimony accompanies each bottle.

Sole Manufacturer—

J. T. DAVENPORT,

38, Great Russell Street, Bloomsbury, London.

Sold in bottles at 1s. 1d., 2s. 9d., 4s. 6d.,
and 11s.

9au79 1w 52t 9au80

Intimations.

BUGS, FLEAS, MOTHS, BEETLES,

and all other insects are destroyed by

KEATING'S INSOT POWDER,

For Sale

CHRISTMAS STORES.

MacEWEN, FRICKEL & Co.,

BEG to call attention to the following New Supply of STORES, which they have Received

Ex "GORDON CASTLE,"

And Other Recent Arrivals.

CHRISTMAS CAKES, 4-lb., 5-lb. and 6-lb. each.
CHRISTMAS PLUM PUDDINGS.
Pure AMERICAN CANDIES.
Pure SCOTCH CANDIES.
DRAGEES. ALMONDS.
FANCY CHOCOLATES.
MARBON'S CHOCOLATE CREAMS.
NOUGATINES.
Crystallized METZ FRUITS.
New Designs in COCAQUES.
"CEWEAYO'S HAT BOX."
"MARQUETTE'S JEWEL CASKET."
"GRANDMA'S BONNET BOX."
"EDWIN and ANGELINA."

SMYRNA FIGS.
Muscatel BLOOM RAISINS.
JORDAN ALMONDS.
BRAZIL NUTS.
PECAN NUTS.
HICKORY NUTS.
Cooking and Table PRUNES.
Pudding RAISINS and CURRANTS.
Candied PEEL.
MINCEMEAT in 1-lb. tins.
VAN HOUTEN'S COCOA.
CARAWAY SEEDS.
SCHWARTZ'S COCOATINA.
AMERICAN CREAM CHEESE.
SAP SAGE CHEESE.
LIMBURG CHEESE.
PINE APPLE CHEESE.
HAM TONGUE & CHICKEN SAUSAGE.
WESTPHALIAN, BOLOGNA, OXFORD, and TRUFFLED SAUSAGES.
GAME PIES.
Potted MEATS.
Prime Yorkshire HAMS.
Prime White BACON in tins & Canvases.
Pickled OX-TONGUES.
OX-TONGUES in JELLY.
TRUFFLES.
CALIFORNIA ROLL BUTTER.
CUTTING'S CANNED DESSERT FRUITS.

HUNTLEY & PALMER'S BISCUITS.
CALIFORNIA CRACKER Co.'s GINGER CAKES.

MILK BISCUITS.
ALPHABET BISCUITS.
OYSTER BISCUITS.
WAFER BISCUITS.
SODA BISCUITS.

First-class and Medium CHAMPAGNES, Pints and Quarts.
HOOK.
SAUTERNES.
CLARET.
Fine Old Pale PORT, 1848.
SACONNE'S Pale Dry SHERRY.
Do. Amontillado SHERRY.
LA GRANDE MARQUE CHARTREUSE, Pints and Quarts.
MARASCHINO DE ZARA.
CURACAO.
Fine Old BOURBON WHISKY.
SCOTCH and IRISH WHISKIES.
BASS'S ALE Bottled by CAMERON and SAUNDERS, Pints and Quarts.
GUINNESS'S STOUT Bottled by E. & J. BURKE, Pints and Quarts.

Specialty Selected CIGARS.
Princess OHERROOTS.
Cavite OHERROOTS.
Princess CIGARS.
Cavite CIGARS.
Arocos CIGARS.
Vegueros CIGARS.
Choice No. 1 Fortin CIGARS in Boxes of 100.
Choice No. 3 Melaz OHERROOTS.
Choice No. 3 Fortin CIGARS.

PRESENTATION BOOKS.
SCIENTIFIC WORKS.
WORKS OF REFERENCE.
SCHOOL BOOKS.

CHILDREN'S STORY BOOKS.
CHILDREN'S TOY BOOKS.
NOVELS.

ATLAS.
HISTORIES.
DICTIONARIES.

OLLENDORFF'S METHOD for Learning FRENCH and SPANISH.

DR. AHN'S METHOD for Learning GERMAN, FRENCH and SPANISH.

ASHES'S MODEL BOOKS OF FOREIGN COMMERCIAL CORRESPONDENCE, GERMAN, FRENCH and SPANISH.

"NORTH CHINA HERALD" D. A. T. E. BLOCK for 1880.

New Season's PRESENT TEA, in 5 and 10 Catty Boxes.

Hongkong, December 15, 1879.

To-day's Advertisements.

FOR SINGAPORE, PENANG AND CALOUTTA.

The Steamship "VENICE,"
P. RHOES, Commander, will leave for the above Ports on SATURDAY Next, the 17th Instant, at 3 p.m.
For Freight or Passage, apply to JARDINE, MATHESON & Co.
Hongkong, January 10, 1880. ja17

FOR SINGAPORE, PENANG AND CALOUTTA.

The Steamship "SUZZ,"
Eaton, Commander, will leave for the above Ports on SATURDAY, the 17th Inst., at 3 p.m.
For Freight or Passage, apply to DAVID SASSOON, SONS & Co., Agents.
Hongkong, January 10, 1880. ja17

FOR AMOY.

The Steamship "EMERALDA,"
Capt. TALBOT, shortly due, will have immediate despatch for the above Port.
For Freight or Passage, apply to RUSSELL & Co.
Hongkong, January 10, 1880.

FOR LONDON VIA SUEZ CANAL.

The Steamship "GLENIFFER,"
Capt. GABRIEL, will be despatched as above on or about the 31st Instant.
For Freight or Passage, apply to JARDINE, MATHESON & Co.
Hongkong, January 10, 1880.

PUBLIC AUCTION.

GENERAL WEEKLY SALE.

The Undersigned will sell by Public Auction, on

TUESDAY,

the 13th January, at Noon, at his Auction Sales Rooms, Peddar's Wharf, 1 case Silvered Plate Glass 70 x 50 inch.

1 " " " 50 x 40 "

1 " " " 48 x 36 "

1 " " " 40 x 30 "

1 " " " 30 x 22 "

1 " " " 24 x 18 "

4 Single and Double Perambulators.

An Invoice of Kerosine Table and Hand Lamps.

1 case Lampwick.

1 case Magenta Dyes in bottles.

White and Plain Colored Flannel.

Fancy Flannel, Serge, Trowsersings, Coatings, Tweeds, Turkish Towels, etc., etc.

2 cases Toilet Soap.

50 boxes Candles.

4 cases Hams.

10 cases Borden's Milk.

Morton's Assorted Stores.

4 cases Butter in tins.

15 cases Sardines.

4 cases Huntley & Palmer's Biscuits.

20 cases Safety Matches.

Rifles, Carbines, Revolvers, Cartridges, Glassware, Champagne, Whisky, Brandy, Beer, etc., etc.

Also,

1 Gold Hunting Watch, Keyless.

1 do. Open-faced do. do.

1 do. Patent Lever do. do.

2 Silver do. do.

A Quantity of Jewellery.

And a Variety of Other GOODS.

TERMS.—Cash on delivery.

G. R. LAMMERT, Auctioneer.

Hongkong, Jan. 10, 1880. ja13

MITSU BISHI MAIL STEAMSHIP COMPANY.

STEAM TO YOKOHAMA VIA KOBE.

The S. S. TAKASAGO MARU, Capt. Young, due here on or about the 19th Instant, will be despatched as above on SATURDAY, the 24th Jan., at Daylight.

Cargo received on board and Parcels at the Office up to 6 p.m. of 23rd January.

No Bill of Lading signed under \$2 Freight.

All Claims must be settled on board before delivery is taken, otherwise they will not be recognized.

RATES OF PASSAGE.

To KOBE.....Cabin \$60. Steerage \$15.

" YOKOHAMA & NAGASAKI.....Do. \$75. Do. \$20.

A REDUCTION is made on RETURN CABIN PASSAGES.

Cargo and PASSENGERS for Nagasaki will be transhipped to the Shanghai Mail Steamer at Kobe.

For further Particulars, apply at the Company's OFFICES, No. 6, QUEEN'S ROAD CENTRAL.

Hongkong, January 10, 1880. ja24

Not Responsible for Debts.

Neither the Captain, the Agents, nor Owners will be Responsible for any Debt contracted by the Officers or Crew of the following Vessels, during their stay in Hongkong Harbour:—

PALMA, German barque, Capt. Binge.—Melchers & Co.

MOSES B. Tower, American barkentine, Capt. C. Hall.—Jardine, Matheson & Co.

MIDDLESEX, British barque, Captain A. Walsh.—Borneo Company.

GARIBALDI, American barque, Capt. T. J. Forbes.—Jardine, Matheson & Co.

PRINCE FREDERICK, British ship, Capt. John Clague.—Vogel & Co.

KATIE FICKINGER, Amer. barkentine, Capt. Gilman.—Russell & Co.

Hongkong, December 15, 1879.

To-day's Advertisements.

OCEAN STEAMSHIP COMPANY.

FOR LONDON VIA SUEZ CANAL.

The Company's Steamship "ANCHOISES,"
Captain C. JACKSON, will be despatched at 4 p.m., on MONDAY, the 12th Instant.
For Freight or Passage, apply to BUTTERFIELD & SWIRE, Agents.
Hongkong, January 10, 1880. ja12

SHIPPING.

ARRIVALS.

Jan. 10, Palatin, British steamer, 897, Parkes, Saigon Jan. 1, General.—ARNHOLD, KARBURG & Co.

Jan. 10, Ningpo, British steamer, 761, R. Cass, Shanghai Jan. 7, General.—SIEMSEN & Co.

Jan. 10, Anahies, British steamer, 1304, C. Jackson, Shanghai Dec. 31, via Foochow and Amoy, General.—BUTTERFIELD & SWIRE.

Jan. 10, Fung-shin, Chinese steamer, from Canton.

Jan. 10, Marco Polo, German barque, from Whampoa.

DEPARTURES.

Jan. 10, Niigata Maru, for Kobe, &c.

10, Hector, for Amoy and Shanghai.

CLEARED.

Hainan, for Hoihow.

Pampero, for London.

Katie Fickinger, for San Francisco.

Kwangtung, for Coast Ports.

PASSENGERS.

ARRIVED.

Per Ningpo, from Shanghai, Messrs King and Fraser, and 53 Chinese.

Per Anahies, from Shanghai, Mr. and Mrs. Betts and family.

Per Palatin, from Saigon, 362 Chinese.

DEPARTED.

Per Niigata Maru, for Kobe, &c., Mr W. L. Todd, and 5 Steerage.

SHIPPING REPORTS.

The British steamer Ningpo reports: First part light variable winds, thence to port strong breeze with cloudy weather.

The British steamer Anahies reports: Strong monsoon throughout.

CARGO.

Per British barque Echo, sailed 6th January.—For New York, 1,250 pkgs.

Fire Crackers, 1,699 rolls Matting, 2,000 bales Cassia, 135 boxes Essential Oil, 100 boxes Gallnuts, 61 bales Hides, and 17 bales Sundries.

POST OFFICE NOTICES.

MAILS will close:—

For STRAITS SETTLEMENTS, SUEZ, AND LONDON.—

Per Anahies, at 3.30 p.m., on Monday, the 12th Inst.

For SWATOW, AMOY, & FOOCHOW.—

Per Kwangtung, at 5 p.m., on Monday, the 12th Inst.

For JAPAN via KOBE.—

Per Takasago Maru, at 5 p.m., on Friday, the 23rd Inst. (Contract Rates.)

MAILS BY THE BRITISH PACKET.—

The British Contract Packet Kaiser-i-Hind will be despatched on WEDNESDAY, the 14th Instant, with Mails to and through the United Kingdom and Europe via Brindisi or Southampton; to the Straits Settlements, Batavia, Borneo, Ceylon, India, Aden, Egypt, Malta, and Gibraltar.

N.B.—This Packet carries no mails for the Australian Colonies, E. or S. Africa, nor for Mauritius.

MAILS BY THE FRENCH PACKET.—

The French Contract Packet Peiho will be despatched on WEDNESDAY, the 21st Instant, with Mails to and through the United Kingdom and Europe, via Naples; to Saigon, Straits Settlements, Batavia, Borneo, Ceylon, India (via Madras), Australia, New Zealand, Tasmania, Fiji, Aden, Seychelles, Reunion, Mauritius, Suez, and Alexandria. This is the best opportunity for forwarding Correspondence to E. Africa, the Cape, St. Helena, and Ascension.

The usual hours will be observed in closing the Mails, &c.

HOURS FOR CLOSING

THE CONTRACT MAILS.

The following hours are observed in closing Mails, &c., by both the British and French Contract Packets:—

Day of Departure.—

5 p.m.—Money Order Office closes.

5.30 p.m.—Post Office closes till 8 p.m., except the Night Box, which is always open out of Office hours.

8 p.m.—Post Office opens.

9 p.m.—Registry of Letters ceases. Posting of all printed matter and patterns ceases.

10 p.m.—Mails closed, except for Late Letters.

10.10 p.m.—Letters may be posted with Late Fee of 18 cents until

10.30 p.m.—when the Post Office closes entirely.

10.40 p.m.—Late Letters may be posted on board the packet with Late Fee of 18 cents until time of departure.

Quotations.

HONGKONG, January 10.

OPIMUM.—New Patna, cash, \$570

" Old " cash, 549

" New Benares, cash, 547

" Old " cash, 525

" New Malwa, credit, 710

" Allowance Taels, —

" Old Malwa, credit, 770

" Allowance Taels, —

Exchange.

Bank, Wire, ... 3/4

" Demand, ... 3/4

" 30 days' sight, ... 3/4 a 3/10

" 4 months' sight, ... 3/10

Credit, 4 " ... 3/10

Documentary, 4 months' sight, 3/10

India, Wire, ... 226

" demand, ... 226

Shanghai, demand, ... 73

" 80 days' sight, ... 74

Gold Leaf, 99 1/2 fine ... 27.80

Sovereigns, ... 5.23

Shares.

Hongkong Bank, 52 1/2 prem. sales.

Union Ins. Society of O'ton, \$1,400, sales.

China Traders' Ins. Co., \$1,325, sales.

North China Ins. Co., \$1,200, sales.

Yangtze Ins. Assoc., \$1,740

Chinese Insurance Co., \$300, ex div.

H.K. Fire Ins. Co., \$520, sales.

China Fire Ins. Co., \$220, sales.

H.K. O. M. S. boat Co., \$19 prem. buyers.

Shanghai Steam Navigation, \$11

China Coast Ste. Nav. Co., \$109

Hongkong Gas Co., \$70

Hongkong Hotel Co., \$66.

China Sugar Refining Co., \$153, buyers.

Chinese Imperial Loan of 1874, nominal Do. of 1877, do.

Temperature.

(Taken at Messrs Falconer & Co.'s Premises, Queen's Road.)

HONGKONG, January 10.

BAROMETER—9 A.M. ... 30.118

Do. 1 P.M. ... 30.084

Do. 4 P.M. ... —

THERMOMETER—9 A.M. ... 59

Do. 1 P.M. ... 59

Do. 4 P.M. ... 59

Do. (Wet bulb) 9 A.M. 58

Do. Do. 1 P.M. 59

Do. Do. 4 P.M. —

Do. Maximum ... 59

Do. Minimum over night 58

MEMOS. FOR TO-MORROW.

RELIGIOUS SERVICES:—

S. JOHN'S CATHEDRAL.—The Right Reverend Bishop Burdon. Morning Service 11, Evening 5.45. Holy Communion on the first Sunday in the month.

Military Service.—Rev. J. Henderson, officiating Military Chaplain. At 8 a.m. Morning Prayer, &c. Holy Communion on the second and fourth Sunday in the month.

UNION CHURCH.—Morning Service, at 11 A.M., Afternoon, 6 P.M.—Divine Service in Chinese, 2-3 p.m., every Sunday, with communion on first Sunday of every month, —Rev. Dr. Chalmers.

ST. PETER'S SEAMEN'S CHURCH.—Rev. J. Henderson. Service at 5 p.m., every Sunday. Wednesday and Friday, at 11 A.M. All seats free. Morning Prayer and Communion on the first Sunday in each month at 11 A.M.

ST. STEPHEN'S MISSION CHURCH.—Rev. J. Grundy, and Rev. Lo Sam Yuen. (All Services in Chinese.) Morning Prayer.—Liturgy, Ante-Communion, and Sermon, at 11 A.M. Bible Class, at 3 p.m. Preaching, at 6.30 p.m. Holy Communion, 1st Sunday in Chinese month.

BERLIN FOUNDLING HOUSE.—Service in the German language, by Pastor E. Klitzke, every Sunday, at half-past ten A.M., in the Chapel of the Berlin Foundling House, West Point.

ST. JOSEPH'S CHURCH, Garden Road.—In the morning, Mass at 8 o'clock.

MEMOS. FOR MONDAY.

Shipping.

4 p.m.—Anahies leaves for London.

Auction.

2 p.m.—Auction of Books at Mr J. M. Armstrong's Sales Rooms.

General Memoranda.

TUESDAY, JANUARY 13:—

Daylight.—Kwangtung leaves for Coast Ports.

Noon.—General Weekly Sale by Mr G. R. Lammert, at his Sales Rooms.

WEDNESDAY, JANUARY 14:—

3 p.m.—Occidental & Oriental S. S. Co.'s Steamer leaves for Yokohama and San Francisco.

Goods per Iravaddy undelivered after Noon, subject to rent and landing charges.

11 p.m.—English Mail leaves for Ports of Call and Europe.

FRIDAY, JANUARY 16:—

2 p.m.—Auction of German brig Carl. Transfer Books of Hong

SUPREME COURT.

(Before the Full Court.)

IMPORTANT DECISION AS TO THE STATUS OF THE FRENCH MAIL STEAMERS.

REGINA V. C. V. CREAGH, ESQ., ACTING POLICE MAGISTRATE, HONGKONG.

Saturday, Jan. 10.

These Lordships gave final judgment to-day in the case heard in *Camera* on Wednesday, in which Ban Hop, the Opium Farmer, applied for a mandamus directing the Acting Police Magistrate to issue a warrant to search the steamship *Anadyr*, (belonging to the Messageries Maritimes) for opium.

The Hon. the Acting Police Judge (J. J. Francis, Esq.) said:—

1. Under the provisions of the opium ordinances 1858 and 1879, Mr. Ban Hop is the grantee, in consideration of very heavy monthly payments into the Colonial Treasury, of the exclusive privilege of preparing and selling prepared opium within this colony and of exporting from the Colony prepared opium.

2. For the better protection of the Monopolist and to enable him to enforce his rights it is forbidden by Section 8 of Ordinance 2 of 1858, for any person to "bring into this Colony or the waters thereof, or—except in cases to which Section vii. applies—have in his possession or custody within the same any prepared opium"; and power is given to the Police Magistrate by Section 9 of Ordinance 2 of 1858, on lawful evidence being laid before him, to issue his warrant authorizing a search in any house, place or vessel within this Colony or the waters thereof for prepared opium introduced into the Colony without the license of the Opium Farmer and in violation of the provisions of Section 8 of Ordinance 2 of 1858.

3. The present Opium Farmer having received information that 22 piculs of prepared opium had been brought into this harbour from Shanghai in the steamship *Anadyr*, and that the opium in question was on board the said steamer in our waters, applied on the 6th instant to one of the Police Magistrates for a search warrant under the provisions of the ordinance in question.

4. As appears by the affidavit of Ng Mun Kwan filed in support of the present motion the Acting Magistrate refused to grant the warrant asked for on the ground that the steamship *Anadyr* was a French Mail steamer and was therefore entitled to the status and to all the privileges of a man-of-war, and that he had therefore no jurisdiction over her.

5. The Acting Police Magistrate has, moreover, informed the Court that on the evidence laid before him by the Opium Farmer he would have immediately granted a search warrant in the case of any ordinary trading steamer, and that he refused the warrant solely on the grounds of his supposed want of jurisdiction over the steamer *Anadyr*.

6. Application is now made to this Court by Mr. Ng Achoy as Counsel for the Opium Farmer for a rule absolute in the first instance for a writ of mandamus addressed to the Police Magistrate commanding him to issue a search warrant in respect of the 22 piculs of prepared opium said to be on board of the steamer *Anadyr*.

7. The first application made to the Court in this matter was on an *ex parte* motion by Mr. Ng Choy as Counsel for the Opium Farmer, for a Rule Nisi addressed to the Police Magistrate calling on him to show cause why a writ of mandamus should not issue commanding him to issue the search warrant prayed for.

8. The affidavit (two) filed in support of this motion showed a *prima facie* case for the issue of a rule nisi, but they also disclosed facts which showed the case to be one of great urgency, needing prompt action.

9. Leave was therefore given the Opium Farmer to turn his motion into one for a rule absolute in the first instance; he was directed however to serve that motion on the Hon'ble the Colonial Secretary, the Hon'ble the Acting Attorney General, the Crown Solicitor, and on the Police Magistrate, and he had permission to bring on his motion at an hour's notice or thereabouts.

10. Notice was ordered to be given to the Colonial Secretary, the Attorney General and the Crown Solicitor for the reasons and following the precedent given by the learned Judge of the Admiralty Division of the High Court in England in the recent case of the *Parlement Belge*.

11. On the hearing the Attorney General appeared to show cause on behalf of the Crown and, following the example of the Attorney General of England in that case, he filed a protest in which he set out as follows:—(Document read).—

"The Acting Attorney General under protest on behalf of Her Majesty the Queen gives the Court to understand and be informed as follows:—

(a) The French Mail steamer *Anadyr*, at present lying in the Harbour is one of the mail packets running between Hongkong and Marseilles, and is one of the packets mentioned in Article V of the Postal Convention between England and France of the 24th September 1856, which is published in the Hongkong Government Gazette of 28th December 1872 to which the Acting Attorney General craves leave to refer.

(b) The Acting Attorney General also informs the Court that the said steamship *Anadyr* is subsidized by the French Government under the said article 5 of the said Convention.

(c) The French mail steamer *Anadyr* is now engaged carrying the public mails under the said convention between and for the Post Offices of Great Britain and France.

(d) The Acting Attorney General under protest says that this Honorable Court has no jurisdiction to entertain this motion for a mandamus, and that the Complainant cannot prosecute the same therein.

(e) The Acting Attorney General under protest as aforesaid gives the Court to understand and be informed herein that he does not admit that there is any prepared opium in the said steamer *Anadyr* as alleged in the affidavit of Mr. Ng Mun Kwan.

(f) Wherefore the Acting Attorney General on behalf of Her Majesty the Queen prays the Court to dismiss the motion with costs to the Acting Attorney General on behalf of Her Majesty and of incident to this application."

12. This was not as it seems to me strictly speaking correct, as in this Court there is and can be no appearance under protest—a practice confined to the Courts under the influence of the Civil Law. The paper filed, however, may be taken as a summary in writing of the reasons urged by the Acting Attorney General in shewing cause against the issue of a Mandamus, and of the grounds on which he justifies the refusal of

the Magistrate to grant a search warrant in this case.

13. It is not contended that the Opium Farmer in coming to this Court or in the form of his application has misemployed his remedy. The Ordinance 2 of 1858 confers a certain power on the Magistrate, and creates a corresponding right in the Opium Farmer, in his own interests and in the interests of the general revenue of the Colony, to have that power brought into play on a fitting occasion. The Police Magistrate has refused to exercise that power, giving his reasons for his refusal, and the Opium Farmer has no other means of enforcing his rights and protecting the interests which he says are imperilled by the act of the Master and Owners of the steamship *Anadyr* in bringing prepared opium into the Colony without his license, than by applying to this Court for a Writ of Mandamus. All the elements exist in this case which authorize the application for the Prerogative Writ in question. There is a public duty imposed on the Magistrate; a right in the present applicant to claim the performance of that duty; a distinct application to the Magistrate to act, and a distinct refusal on his part for reasons assigned. There is no other remedy open to the Opium Farmer for the alleged wrong done him by the Magistrate's refusal. There is therefore a proper case for an application for a Mandamus. There is no question here of whether there is or is not prepared opium on board the *Anadyr* in fact, or whether its being there, if any, is or is not justifiable. The question now is simply, has the Opium Farmer a right or not to have a search instituted for opium believed, on reasonable grounds, to be in the *Anadyr* and to be there in breach of the Ordinance?

14. The only question therefore for the Court is simply this:—Was the Magistrate right or wrong in the conclusion at which he arrived and on which he based his refusal to grant a search warrant—that conclusion being that the steamship *Anadyr* is entitled to the status and privileges of a man-of-war and is, therefore, exempt by law from his jurisdiction? If, in point of law the *Anadyr* is entitled to the status and privileges of a man-of-war in this port, then the Magistrate was right in his conclusion that he had no jurisdiction, and the Rule must be refused. If, on the other hand, she is not so entitled in point of law, she is subject to the jurisdiction of the Magistrate, and the Rule must go, because the right of the Opium Farmer to the warrant he asks for is, under the circumstances, otherwise clear.

15. The Acting Attorney General on behalf of the Crown puts in a Convention between the Governments of England and France, dated the 24th September 1856, published in the Hongkong Government Gazette of November 1872, by the 6th clause of which it is agreed between the high contracting parties that:—

"When the packets employed by the British Post Office or by the French Post Office in execution of Articles I and II of the present Convention are national vessels, the property of Government, or vessels chartered or subsidized by Government, they shall be considered and treated as vessels of war, in the ports of the two countries at which they regularly or accidentally touch, and be there entitled to the same honours and privileges.

"These packets shall be exempted in the said ports, as well upon their entrance as upon their departure, from all tonnage, navigation, and port dues; excepting, however, the vessels freighted or subsidized by Government, which must pay such dues in those ports where they are levied on behalf of corporations, private companies, or individuals.

"They shall not on any account be diverted from their special duty, or be liable to detention, embargo, or arrest of Prince."

16. The Attorney General submits that the steamship *Anadyr* comes within the description of vessels mentioned in clauses Nos. 1 and 2 of this Convention, and that therefore she is entitled to the privileges stipulated for in clause 5.

17. It is admitted that the *Anadyr* is not a "national vessel" entitled under the ordinary rules of International Law and therefore in the view of the Common Law to the privilege of exemption from the Jurisdiction of the Courts of this Colony, and that unless she is within the Convention she is not privileged. It is sworn to in the affidavits before us that she is the property of a private trading company and not of the French Republic, and that statement has not been and I believe cannot be denied.

18. The Court has therefore to interpret the Convention and to say if the *Anadyr* is or is not within the terms of it, the applicant in this case contending as against the Crown that she is not. It is however further contended on behalf of the Opium Farmer that, even if the *Anadyr* is within the terms of the Convention and entitled by Treaty between England and France to have accorded to her in all English ports the status and privileges of a man-of-war, no legislative sanction has been given to the terms of that Convention, and that "it is not competent to the Crown, without the authority of Parliament, to clothe such a vessel with the immunity of a foreign ship-of-war so as to deprive a British subject" of any rights he may have against her, or to oust the Courts of this Colony of the jurisdiction they would have over her, while within colonial waters. In support of this contention Mr. Ng Choy cites the very important judgment of Sir Robert Phillimore, in the recent case of the *Parlement Belge* (Law Reports, P.D. vol. iv., p. 144.)

19. In reply the Acting Attorney General submits that, however applicable the case may be in England, it does not apply in a Colony, where the power of the Crown is far greater than in England; and secondly, that in the case of the *Parlement Belge*, a case in the Admiralty Division of the High Court arising out of a collision, there was a manifest injury done to a British subject, for which redress was being sought, and that in this case the applicant, the Opium Farmer, has suffered and can suffer no loss, as the opium said to be on board is simply in transit through the port and is not to be landed here.

20. To deal with this latter point first—I am of opinion, after careful consideration of the Opium Ordinances, that the Opium Farmer has a right to prevent the entrance into the Colony or the waters thereof of prepared opium for any purpose whatsoever and to demand payment to him of a fee for any reason he thinks fit to permit that importation in any particular case. I am also of opinion that where there are reasonable grounds for believing that that right has been infringed, he is entitled to a search warrant and to have the opium seized and confiscated to his use if found. If a claim to bring prepared opium into the waters of the Colony without the sanction of the Opium Farmer and without his knowledge, under the alleged right to free transit, were admitted, it would I am afraid be very difficult for him to prevent that right being made use of

for the purposes of smuggling in the Colony, and it seems to me from the way the ordinance is framed that the Legislature forebore the difficulty and provided against it by the insertion of clauses 8 and 9 of Ordinance 2 of 1858; which in the recent revision of the Opium Ordinances have been allowed to stand.

21. He having this right, conferred on him by a special Act of the Legislature of Her Majesty, approved of and sanctioned by this Colony, comes to this Court for its aid to enable him to enforce that right, and the Court is in my opinion absolutely bound to lend its aid unless some other act of the law-making power has taken away the right or interposed some barrier to its exercise in this particular case.

22. Has there been any such law? The A. A. General says that he can produce no Act of Parliament, Ordinance of the Legislative Council, or order of H. M. in Council giving the force of law to the provisions of the Postal Convention of 1856, or in any way depriving this Court of its Jurisdiction over, and any British subject of his ordinary rights against the vessels of the Messageries Maritimes, which are admittedly not national vessels but the vessels of a private trading company.

23. The case of the *Parlement Belge* although, I think, a binding authority on the Vice Admiralty Court of this Colony, is not in my opinion a binding authority on this Court sitting in the exercise of its plenary jurisdiction at Common Law. It is a judgment of a Court of equal but not of superior jurisdiction.

24. I do not think I should be bound by it, if I did not agree with it, but, so far from disagreeing with the views therein expressed I adopt every word of the very able judgment of the learned Judge of the Admiralty Division. I fully concur in the grounds and reason of his decision, and I hold that a right once conferred on a British subject by an Act of Legislature cannot be taken away or derogated from by any act or agreement of the Executive Government whatsoever, but only by an Act of the same or of some other Legislature having equal or superior authority.

25. The same principle applies in the Colonies. The distinction between Legislative and Executive Functions is maintained in all its integrity, although the machinery is somewhat different, and even where the Executive and the Legislative authority is vested in one and the same person or body, the distinction is still habitually drawn between the acts of that body or of that person in the one capacity and the other.

26. The Treaty-making power of the Crown is vested by law in Her Majesty in person, Her Legislative Authority in this Colony is exercised by her either through His Excellency the Governor in his Legislative Council or by Her Majesty herself "by and with the advice and consent of the Imperial Parliament" or "by and with the advice of the Privy Council" and not by herself in person. (See Charter) In the exercise of her Treaty-making power she has entered into an agreement to confer certain privileges on certain French mail steamers. So far as the executive officers of the Government are concerned, Her Majesty's orders to give effect to that Convention are binding and obligatory on them as between them and their subordinates. But as regards the rights of the Crown, the agreement is still *in statu quo*, and no steps have as yet been taken by the Crown to obtain a legislative declaration sanctioning that agreement and making of its terms a law binding on all Courts and subjects.

27. This being the state of the Law on the question we are absolutely bound in this Court, when properly applied to, to declare that law, and give the fullest effect to the rights it confers. We would be failing in our duty to the Crown whose Ministers are for the administration of the Law, if we failed, even against the Crown itself, to give effect to the rights of the meaneast subject of the realm.

28. This question of the validity and binding effect of the Convention in point of law having been raised I have thought it right to express an opinion on it, but I am of opinion that this Rule might well be made absolute on other grounds.

29. I do not think the *Anadyr* is within the terms of the Convention. The privileges conferred by the 6th Section are confined to the vessels coming within the description of the vessels mentioned in Clauses I. and II. of the Convention. The vessels mentioned in the first clause are the packets running between Dover and Calais and carrying the mails between Great Britain and France, and the vessels mentioned in the second clause are any packets to be thereafter employed by either Government in carrying mails between the two countries Great Britain and France. The clauses read thus:—

I. "There shall be a regular exchange of letters, newspapers and printed papers of all kinds, between the Post Office of Great Britain and the Post Office of France, by means of two lines of steam-packets which shall continue to be maintained or subsidized, the one by the British Government, and the other by the French Government, on the line between Dover and Calais. The British Post Office and the French Post Office shall regulate, by mutual consent, and in accordance with the well-understood interest of the two countries, the days and hours of departure and arrival of the above-mentioned packets."

II. "Independently of the correspondence which shall be exchanged between the Post Offices of the two countries by the routes pointed out in the preceding Article, those Offices may mutually forward from one to the other letters, newspapers, and printed papers of all kinds, by the several routes hereinafter enumerated."

30. As appears by an Affidavit of Edmund Sharp, filed by the Acting Attorney General in support of his protest, this vessel trades between Marseilles and Shanghai and carries mails to and from Europe and the East. She carries English mails and French mails; but does she carry mails between France and Great Britain? No.

31. I am clearly of opinion that the Messageries Maritimes vessels trading between Marseilles and the East, although mail steamers, subsidized by the French Government, and performing important and valuable services entitling them to every consideration, are not within the terms of the Convention of 1856.

32. I doubt very much, if they are carrying mails under that Convention at all. I cannot shut my eyes to the fact that since the date of that Convention a complete revolution in postal matters has been effected, and that they are now regulated by the Conventions of Bern of 1874 and of Paris of 1876.

33. It is noteworthy that in these conventions to which all the nations of the world may be said to be parties there are no stipulations whatever for any special privileges for mail steamers.

34. In conclusion I think this Rule must go. The doubt raised by the Magistrate as to his power to issue the warrant in question has been resolved in favour of his jurisdiction. He refused to grant the warrant on that one ground only. The order of this Court must therefore be that a rule absolute be granted the applicant, for a peremptory Writ of Mandamus commanding the Magistrate to issue a search warrant in respect of the 22 piculs of prepared opium said to be on board of the steamer *Anadyr*.

35. I may add, I fully concur with my Lord in thinking this argument should be heard *in camera*. To have heard it in public would have been to have given the parties concerned ample time and notice to remove the contraband goods from the vessel, assuming of course that there were any such.

The Chief Justice then said: After the hearing of the application of Mr. Ban Hop, the Opium Farmer, for the mandamus, which concluded at about 5 p.m. on the 6th of January instant, Mr. Justice Francis and I then concurred in the decision which he has just now stated, that a rule absolute for mandamus should issue directing the Police Magistrate to issue his warrant to search the steamship *Anadyr* for prepared opium. It was not possible that we could then properly discuss the questions raised, and we stated that, contenting ourselves with then giving the decision merely, we would, as soon as conveniently practicable, state some of the grounds on which we had arrived at the conclusion. I had made some progress in a statement of the case on the following morning, the 7th, when Mr. Justice Francis handed me his judgment, almost identical with what he has now read. He and I entirely agree in holding it to be obligatory on us to grant the writ of mandamus. In the main I so much agree in the grounds on which Mr. Justice Francis has supported our joint conclusion that I have abandoned my intention to write any statement of the case. Mr. Justice Francis has stated all facts necessary to be stated. As to his arguments I entirely concur in most of them, and my views as to the rest differ so little from his that I abstain from travelling over the same ground. Referring to the Postal Convention and Ordinances and facts and circumstances as they have been stated, I will confine myself to some salient considerations arising out of this large subject.

1. It was assumed by the Police Magistrate, and assented to by the learned Acting Attorney General, that if prepared opium were shown to a reasonable presumption to have been brought from any other port into this harbour in any ordinary ship, a warrant to search the ship and to seize the opium on board would legally be demandable as of right by the Opium Farmer under the Ordinances for the protection of the opium revenue. On the other hand it is not necessary to dispute the rule that a *bona fide* foreign ship of war coming into this harbour with prepared opium on board is not liable to be searched, however much it may be contrary to the comity of nations for her commander to sanction smuggling or breach of our ordinances.

2. The onus in the inquiry before us lies on the Attorney General to prove that the *Anadyr* belongs to the privileged class as identical with foreign vessels of war within article 5 of the Convention, more especially since, as appears by the affidavit before us, she is now carrying merchandise. I use the words of Sir R. Phillimore in the *Parlement Belge*, L. R. 4, Prob. D. 146. I am of opinion that there is no protection for the *Anadyr* except by the Postal Convention, which it must be admitted it terms gives her if, or when, within its definition, the privileges of a ship of war. Freedom from arrest of, and right to search for contraband goods, in a foreign ship of war, stand on the same principle. The former carries the principle further, but it was held to apply to a mail vessel, under a like convention being in English waters, the actual property of the Belgio Government and offered by Belgio officers in the case of the *Parlement Belge*. Then under like circumstances, with the additional circumstance that the *Anadyr* is not the property of the French Government and is, also, to be exempt being a vessel belonging to private persons only because she is said to be subsidized by the French Government, how can she be brought under the Convention? I can draw no distinction between the *Anadyr* from the principle of the decision of that very eminent Judge and International Jurist Sir R. Phillimore, whose conclusions I do not now for the first time follow.

3. But assuming, as before stated, that the onus lies on the Attorney General to prove that this vessel is within the Convention as a vessel subsidized by the French Government, there is no evidence of such subsidy of this particular vessel. Some submission between the French Government and the Messageries Maritimes may be presumed to exist; but it is not shown, it is not proved that this particular vessel is subsidized or that the subsidy is not a gross annual sum for the general carriage of mails in any vessel which the Company may choose to provide; in other words that it is a subsidy to the Company for general service to be performed by any suitable vessels which the Company may choose to employ. Could not the Company stop, in this port, the *Anadyr* from going west, and put on any other suitable French vessel for the service? If this be so it could not be contended that the identical vessel the *Anadyr* is subsidized within the meaning of article 5 of the Convention.

4.—Again testing this case by the *Parlement Belge* the treaty powers of the Crown were there discussed by the eminent Judge the tendency of whose opinions is manifestly, from his judgments and writings, to uphold the prerogative to the fullest extent. He said in the case of the *Parlement Belge*:—"If the Crown had power, without the Authority of Parliament, by this treaty to order that the *Parlement Belge* should be entitled to all the privileges of a ship of war, then the warrant which is prayed for against her as a wrongdoer on account of the collision cannot stand and the right of the subject but for that order unquestionable to recover damages for the injuries done to him by

her is extinguished. This is a use of the treaty-making prerogative of the Crown which I believe to be without precedent and in principle contrary to the laws of the constitution. Let me consider to what consequences it leads. If the Crown without the authority of parliament may by process of diplomacy shelter a foreigner from the action of one of Her Majesty's subjects who has suffered injury at his hands, I do not see why it might not also give a like privilege of immunity to a number of foreign individuals. The law of this country has indeed incorporated those portions of international law which give immunity and privileges to foreign ships of war and foreign ambassadors; but I do not think that it has therefore given the Crown authority to clothe with this immunity foreign vessels which are really not vessels of war or foreign persons who are not really ambassadors." (L. R. 4, P. D. 144). And he held distinctly that no treaty or convention made by the Crown would be effectual to curtail the rights of any subject within England without an Act of Parliament sanctioning and enforcing such prerogative curtailment by the treaty of prerogative rights on the subject. The argument is on this point exhausted in the Report and in the cases and treatises referred to in it. I conclude therefore that this Convention not having been sanctioned by Act of Parliament is in so far as it affects the private rights and remedies of English subjects incapable of being carried into effect in England unless and until the decision in the *Parlement Belge* shall be reversed or varied. The case affords us no new law, it puts the old law deducible from the older cases in a more clear light—international law which in this cosmopolitan harbour I have repeatedly had to consider and to declare, especially in the case of a trading steamer from Annam claimed to belong to the King of Annam.

5. But it is said admitting this to be so in England, the law is different in Hongkong. This distinction was drawn by Sir John Coleridge, Attorney General, Sir G. Jessel, Solicitor General, and Mr. Bowen, as Counsel for the Crown, in the *Kwok Aing case*, L. R. 5 P. C. 193. They said "This (Loo Kong) is a Crown Colony and the Queen can give any powers." Lord Justice Mellish interposed and said,—"She (the Queen) cannot give a power which deprives English subjects of their rights." On the authority of this dictum of Lord Justice Mellish expressed in the Privy Council, whose conclusions are absolutely binding on this Court, and on other authority, I am bound to hold that the Queen cannot by treaty merely deprive this Opium Farmer of the right given to him by the ordinance of searching every ship bringing prepared opium into this harbour, but that an Act of Parliament naming Hongkong or an ordinance of this colony giving force to the treaty here or at least an order of the Queen in Council is necessary to take away the right, neither of which is suggested to exist. In the *Kwok Aing case*, as reported in L. R. 5 P. C. 193, it appeared that Ordinance No. 2 of 1870 was passed in this colony to carry into effect a treaty with China, and this Court having decided that for reasons too long to be here repeated the treaty had terminated, the necessity of an ordinance to give new effect to the new treaty within the colony was held to be so absolute that a declaratory ordinance was passed. The dictum of Lord Justice Mellish and the practice in this colony occur in affirming that no treaty by the Queen with a foreign Power can affect the rights and privileges of the Queen's subjects within Hongkong except under the sanction of an Act of Parliament or of a local ordinance or probably an order of the Queen in Council; and the learned Attorney General admitted he could produce neither. Therefore for the purpose of this decision there is neither.

6. I may here state that I find that in 1872 the highest non-judicial opinion in England was that where a vessel is not within the terms of the convention and not national property but merely chartered or subsidized by a foreign government for the Postal Service, she has no claim to exemption whatever, and that such exemption is a privilege of so high a character that it should be conceded only on clear proof of the vessel being either national property or subsidized or chartered for the postal service by the French Government, and that it is not the mere leave or license of the government granted to a vessel to carry letters or other postal communications which will entitle the vessel to the privileges given under the 5th article of the convention. It seems to me that there is absolutely no such clear proof as this opinion requires that the *Anadyr* comes within the privileges conferred by art. 5.

7.—So far is this clear proof from having been adduced that there is no evidence whatever to the effect. If one may conjecture, the probability is that the contract between the Messageries Company and the French Government is of the same character with the contract between our Government and the P. & O. Coy. That contract in no way subsidizes any particular vessels, but it gives an entire subsidy of £360,000 a year for the entire service and leaves it to the P. & O. Company to employ any fit vessels so that they may perform the service, with a power to the Crown to declare any such vessels unfit. It seems to me most probable that every contract between the French Government and the Messageries Maritimes Company must be similar in form to this contract and that presumably there is no specific vessel, (the *Anadyr*, for instance) that is expressly subsidized, and therefore that the *Anadyr* does not come within the privilege of Art. 5 of the Convention.

8. It seems to be probable that the effort to effect a more satisfactory arrangement in 1872 was not persisted in because the Treaty for a general Postal Union had then begun to be considered and it was probably thought that the Convention of 1856 might be, but in fact it was not, merged in it. It is to be lamented that the difficulties were not disposed of by the Convention of Paris of June 1878. However these difficulties remain unsolved.

9. But assume for a moment that this vessel was the vessel of a private Company duly subsidized and that she is therefore to be treated as a man of war in every respect within the Post Offices of the two countries, it seems to me that under Article 2 she is only within the Convention when she is carrying correspondence, "between the Post Offices of the two countries"—i.e. between a Post Office under the English Crown and a Post Office within French territory; but the evidence is that the *Anadyr* was when she reached Hongkong returning from and was on a voyage beyond the protection of the Treaty, a voyage, to and from Shanghai in China, neither

a French nor an English port, and she is not employed in execution of Art. 1 or 2, and therefore not made a vessel of war under Art. 5, and she was liable to be dealt with as an ordinary vessel subject to search, at least until the British Post Office should have restored her to its protection by putting the mails on board of her, which had not been done at 5 o'clock p.m., when we made the order, nor for several hours afterwards. Assuming that the vessel had lost her status by going to Shanghai the onus lay on the Attorney General to show that it had been absolutely restored to her at the time when the search warrant was issued, but as to this no evidence was offered.

10. Whatever character she sustained the *Anadyr* must be assumed to be covering a breach of a fiscal ordinance, that is covering smuggling, which is contrary to the comity of Nations, and an abuse of international immunities.

11. Having come to this legal conclusion, that the Opium Farmer has the right of search, this Court must so decide, it can allow no considerations, even that the consequence of its deciding according to its conclusion would be war, to stay its judgment. There are judgments of Lord Stowell to that effect. Still less can it yield to any less serious influences.

12. But when this Court has given its decision and issued its writ it is not concerned with what may be done afterwards. A delicate discrimination, guided in part by discretion, as distinguished from hard legal decision, may then rest with the Executive, which, it is the duty of this Court to presume, will be duly exercised. Here the duty of this Court ends.

13. Unless the Convention shall be put an end to under art. 37 or unless an ordinance be passed co-extensive with the treaty, I do not see how most serious difficulties and dilemmas may not frequently crop up under the circumstances as they now exist.

In conclusion I think it proper to explain why this application was heard with closed doors; it is legally called a hearing *in camera*. The Court has the right, it is its duty to hear any application on the rare occasion when publicity would lead to frustrate the very object of the hearing. Every application for a search warrant requires secrecy lest if publicly heard the thief or smuggler might know of it and put away the things sought to be searched for before the warrant could be put in force. We presumed that the application to the Magistrate had been privately made in this case. There was the same reason for privacy in the application to this Court for a Mandamus to the Magistrate to issue the Search Warrant. So long as that account and notwithstanding the importance of the questions involved, which would induce the Court to have publicly heard it, it was thought proper that the application should be heard in private. There are occasions known to the Judges from their long experience as to when such hearings in private are proper. The Judges on their serious responsibility decide on the rare occasions when it is necessary to hear such applications in private. There have been many such cases in England. I well remember one which was much talked of. A plaintiff raised serious and in a suit against a noble lord and his family. The defendants asked that the case might be heard in private, and the Vice-Chancellor Sir J. Stuart heard the case in private in the presence of the parties and their Counsel and Attorneys only. Mr. Mellish (now Vice-Chancellor) for the plaintiff vehemently protested but without avail, and the case was after such hearing decided and sustained. I mean, as long as I sit on this Bench, to continue to exercise the discretion vested in me by law to hear a case *in camera* whenever the ends of justice appear to me to require it, in entire disregard of all obloquy to which it may expose me.

Police Intelligence.

(Before C. V. Creagh, Esq.)

Saturday, Jan. 10.

DRUNK AND INCAPABLE.
John McBride, 21, seaman, unemployed, was charged by P. O. 74 with being drunk and incapable in the public streets yesterday.

Defendant admitted the charge and was fined \$1, in default, he was ordered to undergo two days' imprisonment.

A TRIO OF YOUNG BASTARDS.

Fo Asui, 16, Chin Achan 12, and Lau Ching Pak, 14, were found guilty on evidence of being in unlawful possession of 6 iron bolts on the 9th inst.

His Worship sentenced the first defendant to four weeks' imprisonment, two periods of ten days to be in solitary confinement, the remainder with hard labor; the second defendant to four days' solitary confinement, and the third defendant to ten days' solitary confinement.

The wise man hath said that the Press, Pulpit, and Patriotic are the three ruling powers. And we manage to live under the ministrations of all three.

Atmospheric air is so heavy that its weight upon the body is 16lb. to the square inch. People can understand now why it is so hard to raise the wind.

A SENTIMENTAL WHIST, describing his heroine who "always kept modestly in the background," was horrified to find it recorded in print that she "always kept modestly in the background."

Just four years before the Queen's birth there had appeared anonymously the story called "Waverley," or "The Sixty Years' Queen." Let us put the two stories—the Queen's real sixty and the somewhat elastic "sixty" in the novel—together, and what a wonderful gap in the history of England is bridged over! We are marching on Carlisle with the Pretender, or charging with the bloody Cumberland at Culloden, or standing in the great crowd on Tower Hill whilst the head of Simon Fraser, Lord Lovat, is struck from the traitor's shoulders. What a change between the England of 1745 and the England of 1879! And yet two lives will cover the whole period. On that May day when the little Princess Victoria was ushered into the world, there was an old man living in pain and madness and absolute retirement at Windsor Castle who was a boy of seven in the "Forty-five," and who reigned over England for just as many years as Queen Victoria has lived. I do not know if the little girl was ever taken to Windsor and placed in her grandfather's arms. I am inclined to think not; but it is not a little interesting to reflect upon the fact that these two lives cover so large and memorable a space in the history of our own country.—*Leeds Mercury*.

